

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 4645 OF 2004

Shri Shahaji Maruti Shelke .. Petitioner
V/s.
State of Maharashtra & Ors. .. Respondents

Mr. P.S. Dani for the Petitioner
Mr. A.P. Vanarshe, AGP. for the Respondents

**CORAM : F.I. REBELLO &
S.P. KUKDAY, JJ.
DATED : 17.03.2005.**

P.C.:-

1. Rule. Heard forthwith. The Petitioner is the owner of the land identified under Gat No. 726 and 302. In proceedings for acquisition of land for the purpose of rehabilitation, Respondents have acquired part of the land from Gat No. 726. It is the case of the Petitioner that earlier for the purpose of rehabilitation, part of the land was taken from Gat No. 302. It is their further case that in Gut No. 726, they have their residential house and they have also developed the land. They contend that they have been making representation that instead of taking land from Gat No. 726, the Respondents should take land from Gat No. 302, part of which has already been acquired and is situated in the same village.

2. Considering the fact that in earlier acquisition proceedings, property identified as Gat No. 302 was found to be suitable, we see no reason why the request of the Petitioner that instead of acquiring part of land

in Gat No. 726, where their residential house exists,

(2)

in lieu thereof, land should not be acquired or taken by agreement, from Gat No. 302.

3. Considering the above, we direct the Respondent No. 4, if he be the competent authority or if be not, then the concerned competent authority, to decide the case of the Petitioner as set out in the representation and dispose of it within a period of twelve weeks from today after giving the Petitioner a personal hearing.

4. The Petitioners to appear before Respondent No. 4 on 12.4.2005 at 11.00 am. and the Respondent No. 4 to hear the matter and decide the same. If he can not hear the matter, to intimate the Petitioner, the name of the competent officer, who can hear the matter, in which event, that competent officer to decide the representation by the Petitioner as set out in this order. Till the representation is decided, the possession of the land of the Petitioner not be taken. Rule made absolute accordingly. No order as to costs.

5. Parties to act on an ordinary copy of this order, duly authenticated by the Court Associate.

(F.I. REBELLO, J.)

(S.P. KUKDAY, J.)